

Remarks:

The foregoing amendments and the following remarks are responsive to the Office action dated April 15, 2005. Prior to the entry of this Amendment, claims 1-39 remained pending in the application. Claims 21-25 and 39 are allowed. Claims 1, 2, 5-20, 26, 27 and 30-38 are rejected. Claims 3, 4, 28 and 29 are objected to as depending from a rejected base claim, but would be allowable if rewritten in independent form.

Claim Objections

First considering formal matters, applicant notes that claim 9 is objected to in view of a typographical error, the word "patent" having been substituted for "packet". Claim 9 has been cancelled, thus rendering the objection moot.

As noted, claims 3-4 and 28-29 are objected to as depending upon a rejected base claim, but would be allowable if rewritten in independent form. Claims 3 and 28 have been rewritten as independent claims, and thus are understood to be in allowable form. Claim 4 depends from claim 3. Claim 29 depends from claim 28. Claims 4 and 29 thus also are understood to be in allowable form.

Rejections Under 35 USC §112

Claims 10-11 and 32-33 stand rejected under 35 USC §112, first paragraph, the Examiner having indicated that the specification does not provide enablement for the term "a maximum transmission length." Applicant respectfully disagrees. Nevertheless, in the interest in furthering prosecution of the present application, applicant has amended claims 10-11 and 32-33 to replace "maximum transmission length" with "maximum transmission unit" (the term used throughout the specification). Claim 33 also has been amended to depend from claim 32 to address

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insufficient antecedent basis for the phrase "the maximum transmission unit" (as recited in the amended claim). The rejections under 35 USC §112 thus are overcome.

Applicant notes that claims 10-11 and 32-33 are not rejected under any other section, and thus understand that such claims would be allowable if rewritten in independent form. Claims 10 and 32 thus are rewritten as independent claims, and thus are understood to be in allowable form. Claim 11 depends from claim 10. Claim 33 depends from claim 32. Claims 11 and 29 thus also are understood to be in allowable form.

Rejections Under 35 USC §102(e)

Claims 1-2, 9, 12-15, 18-19, 26-27 and 37-38 are rejected under 35 USC §102(e) as being anticipated by Goldberg et al. (US 6,389,038). Without conceding to the Examiner's position, and in the interest of furthering prosecution on the merits, applicant has cancelled claims 1-2, 9, 14-15, 18-19, 26-27 and 37-38. Claims 12 and 13 have been amended to depend from claim 10, and thus are understood to be allowable for at least the same reasons as claim 10.

Rejections Under 35 USC §103(a)

Claims 5-8, 16-17, 20, 30-31 and 34-36 are rejected under 35 USC §103(a) as being unpatentable over Goldberg et al. (US 6,389,038) in view of Iwata et al. (U.S. Patent Application No. 2004/0114516). Applicant respectfully disagrees, noting that Iwata et al. does not relate to consolidating data packets, and thus is not suitable for combination with Goldberg et al.

Furthermore, Iwata et al. has an effective date of June 28, 2001 (the date on which the parent PCT application was filed). Applicant's conception and diligent

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reduction to practice precede the effective date of Iwata et al., as demonstrated by the Declaration Under § 1.131 that is submitted herewith, and Exhibit 1 thereto. Iwata et al. thus is unavailable as prior art, and the rejections under 35 USC §103(a) must be withdrawn.

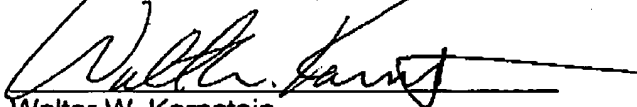
Claims 5-8, 16-17, 20, 30-31 and 34 have been rewritten as independent claims. Claims 35 and 36 depend from claim 34. Accordingly, claims 5-8, 16-17, 20, 30-31 and 34-36 are understood to be in allowable form.

Conclusion

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

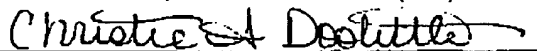
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner K. Emdadi, Group Art Unit 2667, Assistant Commissioner for Patents, at facsimile number (703) 872-9306 on July 14, 2005.



Christie A. Doolittle

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